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12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 RONNIE WILLIAMS, ON BEHALF OF
16 HIMSELF AND ALL OTHERS
17 SIMILARY SITUATED,

18 Plaintiff,

19 v.

20 TRENDWEST RESORTS, INC.,

21 Defendants.

Docket #: CV-S-05-0605-RCJ-LRL

22 **ORDER ADOPTING REPORT AND RECOMMENDATION**
23 **OF MAGISTRATE JUDGE LAWRENCE R. LEAVITT**
24 **OF SEPTEMBER 29, 2006 AND DENYING OBJECTIONS**
25 **TO AND ORDERING ENFORCEMENT OF THE SAME**

26 This Court having been presented with the Report and Recommendation of Magistrate Judge Lawrence R. Leavitt of September 29, 2006 (Docket # 71) which recommended partially granting the plaintiffs' motion to circulate a notice of pendency under the Fair Labor Standards Act, 29 U.S.C. § 216(b) and for other relief (Docket #24), and the defendant having filed a timely objection to certain provisions of such Report and Recommendation (Docket # 74), and the plaintiffs having filed a timely objection to certain provisions of such Report and

1 Recommendation (Docket # 72), and the plaintiffs having filed a motion to enforce certain
2 provisions of such Report and Recommendation (Docket. #75), and the plaintiffs having filed a
3 motion (Docket #87) to strike the defendant's opposition (Docket #83) to the plaintiffs' motion to
4 enforce certain provisions of such Report and Recommendation, and the defendant having filed
5 an objection to certain evidence filed by plaintiffs (Docket #94); and all of the foregoing matters
6 having come before the Court for hearing on November 20, 2006, and counsel for all parties
7 appearing on such date and presenting arguments to the Court, and after due deliberation by the
8 Court and pursuant to the Court's decision delivered from the bench at such hearing it is hereby:

9 ORDERED, that plaintiffs' motion (Docket #87) to strike is denied, and
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11 IT IS FURTHER ORDERED the Report and Recommendation of Magistrate Judge
12 Lawrence R. Leavitt of September 29, 2006 (Docket # 71) is adopted without modification as an
13 Order of this Court and all objections of all parties to the same are denied; and

14 IT IS FURTHER ORDERED that the plaintiffs' motion (Docket #75) to enforce the
15 Report and Recommendation of Magistrate Judge Lawrence R. Leavitt of September 29, 2006
16 (Docket # 71) is hereby granted, and defendant's objections to evidence in relation to that motion
17 (Docket #94) are overruled, and that the defendant shall fully comply with all of the provisions of
18 the Report and Recommendation by providing to the plaintiffs' counsel, to the extent not already
19 provided, the names and last known addresses of all persons who pursuant to the terms of the
20 Report and Recommendation are entitled to receive a notice of pendency of this litigation; such
21 names and addresses to include all of the defendant's California and Nevada employees who were
22 commission compensated based upon time share sales, or salary plus commission compensated
23 based upon time share sales, and who reported to premises maintained or operated by the
24 defendant and who worked for the defendant as assistant or associate sales managers, or as sales
25 managers, or as project directors, or as closers, or as verification loan officers or assistant
26 verification loan officers, or as developer representatives or assistant developer representatives, or

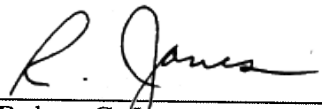
1 who performed similar functions or duties but may have been known by other titles; such
2 information to be provided by December 5, 2006; and it is further

3 ORDERED that the statute of limitations under the Fair Labor Standards Act for all
4 persons whose name and last known address has not already been provided to plaintiffs' counsel
5 and who are sent a notice of pendency pursuant to the terms of this Order shall be tolled from
6 October 10, 2006, until such date as the defendant provides the information on its employees
7 directed by this Order; and it is further

8 ORDERED that the plaintiffs shall circulate a notice of pendency pursuant to this Order
9 that is in substantially the same form as that set forth in the Report and Recommendation of
10 Magistrate Judge Lawrence R. Leavitt of September 29, 2006 (Docket # 71), as appropriately
11 modified by this Order; and it is further

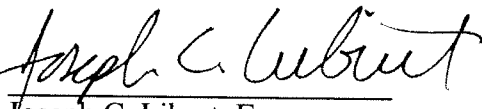
12 ORDERED that any consents to joinder that are filed with the Court as a result of the
13 notice of pendency circulated in response to this Order shall be so filed within sixty (60) days of
14 the plaintiffs' counsel receiving the information specified herein from the defendant.

15 DATED this 7th Day of December, 2006

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18 
19 Robert C. Jones
United States District Judge

20 Approved as to form:

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22 _____
Leon Greenberg, Esq.
Nevada Bar No. 8094

23 
24 Joseph C. Liburt, Esq.
25 Pro Hac Vice
Attorney for Defendant
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